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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,984	12/28/2000	Dieter Wenninger	BEIERSDORF 687-WCG	9463

7590 06/27/2002

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-9

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

- ☒ Claim(s) 1-13 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-13 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 6
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

**Office Action Summary**

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, in claim 1, line 3 the phrase "low release force" is vague and indefinite with respect to providing a suitable range for a perspective infringer to be aware of as regards possible infringement issues.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crass et al., taken in view of either Freedman or EP 404402. The primary reference discloses (note particularly the Abstract, the Figure, column 1 lines 19-28, line

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56 - column 2 line 50, claims 1 and 2) a co-extruded, biaxially oriented multilayer polypropylene film coated on one outer surface with an adhesive composition. The layers can be made of polypropylene homopolymers or copolymers (column 1 lines 60-63) and the total thickness of the film is about 15 to 50 microns (column 2 lines 33-35). The reference lacks a teaching related to the delamination of the two layers which form the backing, (although note column 1 lines 20-23 and the citation of German Offenlegungsschrift 3,216,603 which teaches a related film having a particularly good capability for delamination). Each of the secondary references, however discloses tamper indicating tapes (Freedman, column 1 lines 5-8, column 2 line 50 - column 3 line 48, column 3 line 65 - column 4 line 6, column 4 lines 16-22; EP -402, page 3 lines 53-57) in which the backing layers adhere to each other until they cleanly and readily separate under a suitable force (Freedman, column 2 line 67 - column 3 line 4; EP -402, page 3 lines 55-57). Accordingly, one of ordinary skill, motivated to form a suitable adhesive tape which has a particularly strong ability to delaminate under desired conditions would take the film of the primary reference and treat it in the manner disclosed by each of the secondary references so that the film would delaminate under desired conditions, i.e. tamper indicating situations where desired. With respect to the dependent claims, notice such embodiments as notches (applicant's

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claim 3) are disclosed as known in the art by French 2,749,316, and corona discharge is also believed to be well known in the art (e.g. see Seifried et al.) Other embodiments, such as the presence of a release coating, and the utilization of styrene-isoprene-styrene copolymers as the adhesive composition are each also believed to be well known to one of ordinary skill, in the absence of unexpected results.

5. Note also DE 3216603<sup>A</sup>1, cited in Crass et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

June 20, 2002

**DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1800-**

**1700**

*Daniel Zirker*